

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



## **CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA, JR.**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
APRIL 19, 2005  
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:09 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Presi Ortega, Jr., and Paul J. Escobar. Absent: None. Late arrivals: Jose Alexandro Lozano at 9:12 a.m., Vivian Rojas and Anthony W. Cobos at 9:10 a.m. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. ***NORTH AMERICAN OCCUPATIONAL SAFETY WEEK***
2. ***SENIOR GAMES MONTH***
3. ***EL PASO ARBOR WEEK***

**RECOGNITION**

**HONORARY CITIZEN CERTIFICATES TO THE INTERNATIONAL MILITARY SCHOOL STUDENTS IN PARTNERSHIP WITH THE US ARMY AIR DEFENSE ARTILLERY SCHOOL.**

Item: Discussion/Action to support Council vote in Regular Agenda to (1) reaffirm the February 2004 proclamation denouncing violence against women and (2) remove Mr. Cushing from committees and decisions involving law enforcement and women's issues.

[Irasema Coronado, Coalition Against Violence Toward Women and Families at the Border]

The following members of the public commented:

1. Dr. Irasema Coronado, Coalition Against Violence Toward Women and Families at the Border.
2. Ms. Pat Graham-Casey
3. Ms. Cheryl Baker Heller
4. Ms. Lisa Turner
5. Ms. Elza Cushing

Mayor Joe Wardy and Representatives Austin, Cook, Cobos, Rojas and Escobar commented.

For the record, Representative Cook submitted the proclamation to the City Clerk and noted that the proclamation was dated February 14, 2004.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **REAFFIRM THE PROCLAMATION** as read into the record by Representative Cook.  
(Proclamation on file in the City Clerk's office)

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the minutes for the Regular City Council Meeting of April 12, 2005 and Special City Council Meeting of April 12, 2005 (Amendment to Revised Resolution - 2005 General Election).

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor") and Menlo Worldwide Forwarding, Inc. f/k/a Emery Air Freight Corporation ("Assignor") and BT Property, LLC (Assignee") for office and warehouse space, loading dock, parking aprons, and vehicle parking area at the Air Cargo Center, 301 George Perry Blvd., Suite A, El Paso, Texas.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Landscape Cost Sharing Agreement between the City of El Paso and the State of Texas, acting through the Texas Department of Transportation, allowing the City to participate in a landscape development project. The project will landscape 26 existing medians with an irrigation system, stamped colored concrete, provide loose aggregate for groundcover, weed barrier, vegetation and a 12 month maintenance contract on BU 54 (Dyer Street) from Hondo Pass Dr. to McCombs Street. The total estimated cost of the Project is \$730,000.00. The City's total contribution is \$480,000.00. The State contribution is an amount not to exceed \$250,000.00.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **LEA R. HUTCHINSON** as the Zoo Director, at a biweekly rate of \$3,144.60. The term of the contract shall be from April 20, 2005 through October 19, 2005 with options to renew not to extend past December 31, 2006.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That facsimile signatures of the Comptroller and Municipal Clerk are authorized for the following Wells Fargo Bank accounts:

Account Numbers:

Account Descriptions:

9763173243	City of El Paso Concentration Account
9763173292	City of El Paso Payroll Account
9763173284	City of El Paso Pension Payroll Account
9763173250	City of El Paso Employee Health Benefits
9763173375	City of El Paso Workers' Compensation Ward N.A. Administrators
9763173433	City of El Paso Flex Medical Reimbursement Plan Account
9763173417	Plaza Theatre Project

2. That facsimile signatures of the City Tax Assessor and Collector and Municipal Clerk are authorized for the following Wells Fargo Bank accounts:

Account Numbers:

Account Descriptions:

9763173334	Tax Overpayment Refunds Account
9763173342	Prepaid Property Taxes Account
7480012579	City Tax Assessor Account
8377031581	CEP Tax Office Convenience Fee
7480000814	Tax Lockbox Account

3. Confirmation of the individuals in these positions can be verified through the Human Resources Department of the City of El Paso.

4. This resolution supersedes all prior resolutions authorizing signatories for these accounts which are hereby revoked.

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That for the following Wells Fargo Bank accounts:

Account Numbers:

Account Descriptions:

9763173243	City of El Paso Concentration Account
9763173292	City of El Paso Payroll Account
9763173284	City of El Paso Pension Payroll Account
9763173250	City of El Paso Employee Health Benefits
9763173375	City of El Paso Workers' Compensation Ward N.A. Administrators
9763173433	City of El Paso Flex Medical Reimbursement Plan Account
9763173417	Plaza Theatre Project

the City Council designates, pursuant to Section 7.20 of the City Charter, the following employee positions to act as designees of the following:

Comptroller designees:

Treasury Services Manager  
Financial Reporting Manager  
Deputy City Manager for Financial and Administrative Services

City Clerk designees:

Deputy City Clerk  
Director, Office of Management & Budget

2. That for the following Wells Fargo Bank accounts:

<u>Account Numbers:</u>	<u>Account Descriptions:</u>
9763173334	Tax Overpayment Refunds Account
9763173342	Prepaid Property Taxes Account
7480012579	City Tax Assessor Account
8377031581	CEP Tax Office Convenience Fee
7480000814	Tax Lockbox Account

the City Council designates, pursuant to Section 7.20 of the City Charter, the following employee positions to act as designees of the following:

Comptroller designees:

City Tax Assessor and Collector

City Clerk designees:

Deputy City Clerk  
Director, Office of Management & Budget

3. Confirmation of the individuals in these positions can be verified through the Human Resources Department of the City of El Paso.

4. This resolution supersedes all prior resolutions authorizing signatories for these accounts which are hereby revoked.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign on behalf of the City County Health & Environmental District (EPCCHED), the following contract amendment and renewal, and related materials, with the Texas Commission on Environmental Quality:

TCEQ PM 2.5 MONITORING  
Contract Number 582-5-55865, Amendment 2  
Funding Source: Dept. ID 41150012, Fund 05627, Grant G410521 for FY2005

This amendment allows EPCCHED to request payment for work performed from December 1, 2004 through August 31, 2006 even though the contract was not fully executed until December 6, 2004. The District will continue to operate six PM Samplers. Amendment 2 does not change the work plan, the term of the contract, or the amount of the contract as last amended. Original Contract approved by City Council on November 23, 2004 as item number 4C. Amendment 1 approved by City Council on February 22, 2005 as item number 5G.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **SLI ENGINEERING, INC.** for a project known as “**Upper Valley Road**” for an amount not to exceed Two Hundred Seventy-Nine Thousand and No/100 Dollars (\$279,000.00).

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.,** for a project known as “**Roseway Street and Drainage Improvements**” in an amount not to exceed THIRTY-EIGHT THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$38,500.00).

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **SENIOR INTERNAL AUDITOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5228**. The Grade is **EX G**.

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**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10<sup>Th</sup> day of May, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 131 Linden Street Apt. B, in El Paso, Texas, which property is more particularly described as:

Lots: 13 and 14 and the North 20 feet of Lot 12, Block 1, Tobins Second Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 16, Page 58, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria Lourdes and Carlos J. Corral, 131 Linden Street, El Paso, Texas 79905, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 10<sup>th</sup> day of May, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5318 Gateway East Boulevard, in El Paso, Texas, which property is more particularly described as:

Lots: 31 and 32, Block 19, Brentwood Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 5, Page 56, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Marcelo and Nora Vasquez, 5318 Gateway East Boulevard, El Paso, Texas 79905, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions;

- A. Secretary I (1)  
Fund Source: 72010268-01101-502001
- B. Aquatic Supervisor (4)  
Fund Source: 51010230-01101-51152

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions;

Labor Foreman I (1)  
Fund Source: 32010200-01101-32000

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for City Manager

Add 1.00 Senior Internal Auditor EX  
Fund Source: 15010716-01101-15000

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Olivia Chavez to the City Accessibility Advisory Committee by Representative Susan Austin, District 1.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Willie R. Padilla, Jr. to the City Accessibility Advisory Committee by Representative Robert A. Cushing, Jr. District 2.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Blanca Dominguez to the Charitable Solicitations Commission by Representative Paul J. Escobar, District 6.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the installation, power, and maintenance of residential street light at the following locations:

Between 1175 and 1179 John Phelan Dr. Cost \$1,200  
Account No. 504420, Dept ID No. 01153008, Fund No. 16506



\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to allocate \$2,500 from District #8 Discretionary Funds to the Central Business Association to assist in the development of the Downtown "Gone to Lunch" Concert Series to include blockage of San Antonio Street, electricity, entertainment, and vendor support. Concert series to begin on a weekly basis (every Friday) starting on April 29th from 11 a.m. to 2:00 p.m. (ID#01153012, Acct. #504420, Project #PD80429, Fund #16508, Class #01001)

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AUTHORIZE** the use of District 5 discretionary funds in the amount of \$1,750.00 to pay for a portion of the costs of the traffic control for the Fourth of July Parade to be presented by the El Paso Del Norte Lions Club, District 2T3; such funds to be applied as a credit to the costs that the City will bill the Lions Club for. From Account No. Special Projects Account 504420, Dept. ID 01010005, Fund 01101, to Fund 01001, Dept. ID 21010050, Account 501018.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the request that the City Council authorize an emergency procurement and that the City Manager be authorized to sign a contract with Alpha Southwest, Inc. in the amount of \$186,911.00 for the rehabilitation of the old water well, which is used for irrigation purposes, at the El Paso International Airport Lone Star Golf Course (Contract No. 2005-196). Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

The existing water well at the golf course had ceased to produce water and the drilling of a new well was authorized. However, problems with the new well have been encountered; scant amounts of muddy water were produced. The Engineer and Contractor continue to work to find a resolution, but the possibility exists that there will not be enough water produced by the new well to meet the golf course's water demand. Therefore, there is a need to rehabilitate the old well. In the interim, the golf course continues to utilize a fire hydrant for watering purposes.

This procurement is necessary to preserve the public property of the Municipality and is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code, as noted in Section 252.022, General Exemptions.

Department: Aviation  
Funds available in: PAP0033-41074-62620022-508027  
Funding Source: Airport Land Sales Restricted Fund  
Amount: \$186,911.00

Mr. Ray Gilbert, citizen, withdrew his request to speak on the item.

Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **AUTHORIZE** an emergency procurement and that the City Manager be authorized to sign a contract with Alpha Southwest, Inc. in the amount of \$186,911.00 for the rehabilitation of the old water well, which is used for irrigation purposes, at the El Paso International Airport Lone Star Golf Course (Contract No. 2005-196). Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

The existing water well at the golf course had ceased to produce water and the drilling of a new well was authorized. However, problems with the new well have been encountered; scant amounts of muddy water were produced. The Engineer and Contractor continue to work to find a resolution, but the possibility exists that there will not be enough water produced by the new well to meet the golf course's water demand. Therefore, there is a need to rehabilitate the old well. In the interim, the golf course continues to utilize a fire hydrant for watering purposes.

This procurement is necessary because of unforeseen damage to the public property of the Municipality and, thus, is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code, as noted in Section 252.022, General Exemptions.

Department: Aviation  
Funds available in: PAP0033-41074-62620022-508027  
Funding Source: Airport Land Sales Restricted Fund  
Amount: \$186,911.00

NOTE: Language on request was revised.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** Change Order No. One (Construction Change) to F. T. James Construction, Inc. for Contract No. 2004-214, McKelligon Canyon Park Improvements project for an increased amount of \$36,210.00. Change Order also adds fourteen (14) days to the contract time. The purpose of this change order is as follows:

Remove the existing paving and replace with a slab at existing dressing room. \$7,331.00

Remove the existing windows at West end of Pavilion and replace with windows similar to the new windows. \$2,990.00

Lower and modify electrical conduits at stage and dressing rooms. \$12,897.00

Replace load bearing wall at dressing room and place new concrete footing. \$5,114.00

Replace decorative vigas at Pavilion. \$5,290.00

Paint and refurbish existing storage rooms. \$2,588.00

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** Best Value Procurement Solicitation No. 2005-069 Janitorial Services for Chelio Acosta (Delta Recreation Center)

Award to: Carefree Janitorial Services  
El Paso, TX  
Item (s): All  
Amount: \$39,807.00 (estimated yearly)

Department: Parks & Recreation  
Funds available: 51010256-01101-502206 & 5150215-16302-502206  
Funding source: Operating Accounts and User Fees,  
Maintenance Chelio Acosta (Delta) Recreation Center  
Total award: \$119,421.00 (estimated)

Parks & Recreation, Center Staff, and Purchasing recommend award as indicated, Carefree Janitorial Service provided and meets the Best Value Criteria.

This is a thirty-six month contract with no option to renew, Carefree Janitorial Service offers a 1%-10 Day Prompt Payment Discount.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-093 Janitorial Services for San Juan and LF Washington (Missouri) Recreation Center

Award to: Adefto Building & Grounds Service  
El Paso, TX  
Item (s): All  
Amount: \$20,286.02 (estimated yearly)  
  
Department: Parks & Recreation  
Funds available: 51010256-01101 & 16313-502206 and 5150256-01101 & 16309-502206  
Funding source: Operating Accounts and User Fees, Maintenance  
San Juan and LF Washington (Missouri) Recreation Center  
Total award: \$60,858.06 (estimated)

Parks & Recreation, Center Staff, and Purchasing recommend award as indicated, Adefto Building and Grounds Service provided and meets the Best Value Criteria.

This is a thirty-six month contract with no option to renew, No Prompt Payment.

NOTE: Amounts on request were revised.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-110 Janitorial Services Pavo Real Recreation Center

Award to: Carefree Janitorial Services  
El Paso, TX  
Item (s): All  
Amount: \$23,004.00 (estimated yearly)  
  
Department: Parks & Recreation  
Funds available: 51010256-01101-502206 & 51510115-16312-502206  
Funding source: Parks Operating Account & Users Fee,  
Maintenance Service Contracts - Janitorial  
Total award: \$69,012.00 (estimated)

Parks & Recreation, Center Staff and Purchasing recommend award as indicated, Carefree Janitorial Services is the lowest responsive bidder and meets the Best Value Criteria.

This is a thirty-six month contract with no option to renew. Carefree Janitorial Services offers a 1%-10 Days, Prompt Payment Discount.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-111 Janitorial Services for South El Paso, Sacramento, Eastside and Polly Harris Senior Citizen Centers

Vendor 1: Lucy's Cleaning Service  
El Paso, TX  
Item(s): South El Paso & Sacramento Centers  
Amount: \$19,503.75 (estimated yearly)

Vendor 2: Professional Building Maintenance Service

Item(s): El Paso, TX  
Amount: Eastside Sr. Citizen Center  
\$11,073.12 (estimated yearly)

Vendor 3: Carefree Janitorial Services  
El Paso, TX

Item(s): Polly Harris Sr. Citizen Center  
Amount: \$8,550.00 (estimated yearly)  
Total award: \$39,126.87 (estimated yearly)

Department: Parks & Recreation  
Funds available: 51010256-01101-502206 & 51510198-16321-502206  
& 51510172-16319-502206 & 51510404-16326-  
502206 & 51510958-16328-502206  
Funding source: Operating Accounts and User Fees, Maintenance  
Total award: \$117,380.61 (estimated)  
**District (s): 2, 3, 5, and 8**

Parks & Recreation, Center Staff, and Purchasing recommend award as indicated, these vendors provided and meets the Best Value Criteria.

This is a thirty-six month contract with no option to renew, Prompt Payment Discount are offered as follows:  
Lucy's Cleaning Services 3%-10 Days, Professional Building Maintenance Services 2%-10 Days and  
Carefree Janitorial Services 1%-10 Days.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-133 Traffic Signal Priority Control System

Award to: Consolidated Traffic Controls, Inc.  
Arlington, Texas  
Item (s): All items @ a total of \$90,721.00  
Options: A, B, and C - To purchase additional quantities @ a total of \$29,797.00  
Amount: \$120,518.00  
Department: El Paso Fire Department  
Funds available: 71150069-508027-07792-G7130CD0010 (\$68,488.00)  
71150069-508027-07816-G7130CD0036 (\$52,030.00)  
Funding source: Community Development Block Grant, Capital Projects Fund  
Community Development Block Grant, Capital Projects Fund  
Total award: \$120,518.00

The Fire and Purchasing Departments recommend award to Consolidated Traffic Controls, Inc. as indicated, as this vendor has provided the Best Value Bid. This vendor is also the sole responsive offer that was received.

This is a best value single (one-time) procurement, to purchase a Traffic Signal Priority Control System for the El Paso Fire Department. Options were offered to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the options were exercised within sixty (60) days, ninety (90) days, and one-hundred and eighty (180) days, from the contract award date. Additionally, the Fire Department would like to exercise the option to purchase additional quantities, to affix the traffic light control system to four additional intersections. No prompt payment discount is offered.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-085 Uniforms & Corporate Wear, Red Kap Catalog

Award to: Vendor 1: Bazaar Uniforms & Men's Store  
El Paso, Texas  
Item (s): Group IA, Group IB, Group II  
Group III: Items 4, 5 and 6  
Amount: \$67,000.00 (estimated per year)

Vendor 2: Uniforms of Texas  
El Paso, Texas  
Item (s): Group III: Items 1, 2 and 3  
Amount: \$3,000.00 (estimated per year)

Department: Department of Aviation  
Funds available: 62620003-503121  
Funding source: Airport Operating Fund  
Total award: \$210,000.00 (estimated)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a three (3) year Contract, for "Uniforms & Corporate Wear, Red Kap Catalog" for the Department of Aviation, however, other City departments may utilize this Contract, to meet their requirements as the need arises. The Contract will officially begin at 12:01 a.m. May 1, 2005.

Vendor-1 offers the City the option of extending the term of the contract for twenty-four (24) additional months utilizing the same pricing structure, if the option is exercised within two (2) years from the date of award of the contract. Vendor-1 does not offer a prompt payment discount. Vendor-2 does not offer a prompt payment discount and did not fully complete the option of extending the term of the contract.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Bid Solicitation No. 2005-128 Air Purification Respiratory Parts

Award to: First In, Inc.  
El Paso, Texas  
Item (s): #1  
Amount: \$150,000.00 (estimated annually)  
  
Department: Fire  
Funds available: 22010319-503208  
Funding source: Fire Department SCBA/Logistics Budget  
Total award: \$300,000.00 (estimated)

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.  
.....

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-139 Proprietary Parts & Service-Trane HVAC Systems

Award to: Southwest Trane  
El Paso, Texas  
Item (s): Group A, #1 & #2, Group B  
Amount: \$50,000.00 (estimated annually)  
  
Department: Building Maintenance  
Funds available: 31010326-502226  
Funding source: Building/Facilities Maintenance  
Total award: \$150,000.00 (estimated)

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-149 Herbicides

Award to: Carso, Inc.  
Camargo, Illinois  
Item (s): #1 thru #3 (all)  
Amount: \$36,227.50 (estimated annually)  
  
Department: Street  
Funds available: 32010200-503113-01101  
Funding source: Street Department General Operation Funds  
Total award: \$72,455.00 (estimated)

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

No options offered.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** Bid Solicitation No. 2005-155 25 Cubic Yard Roll-Off Containers.

Mr. Ray Gilbert, citizen, commented.

Mayor Joe Wardy and Representatives Cook and Cushing commented.

The following City staff members commented:

1. Mr. David Almonte, Director of OMB
2. Mr. Daryl Cole, Street Director

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-155 25 Cubic Yard Roll-Off Containers

Representative Rojas was not present for the vote.

Award to: Roll-Offs USA  
Durant, OK  
Item (s): #1 - 25 Cubic Yard Roll-Off Containers.  
16 each @ \$3,448.00  
Option: #1D – Purchase additional quantities.  
11 each @ \$3,448.00  
Amount: \$93,096.00  
  
Department: Street Department  
Funds available: 04200401-508029-PBM0005003-29203  
Funding source: 2004 Capital Acquisition  
Total award: \$93,096.00

The Street and Purchasing Departments recommend award to Roll-Offs USA, as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase sixteen (16) 25-Cubic Yard Roll-Off Containers for the Street Department. An option is offered to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one-hundred and twenty (120) days, from the contract award date. Additionally, the Street Department would like to exercise this option to purchase an additional eleven (11) 25-Cubic Yard Roll-Off containers. Total award including item #1 and option #1A is \$93,096.00. No prompt payment discount is offered.

NOTE: Request was revised.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** Bid Solicitation No. 2005-138 Museum of Archaeology Walking Path Repairs.

Mr. Ray Gilbert, citizen, commented.

Mayor Joe Wardy and Representatives Cook, Cushing, Cobos and Austin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Patricia Aauto, Deputy City Manager for Building and Planning Services

Representative Cobos moved to postpone for eight (8) weeks Bid Solicitation No. 2005-138 Museum of Archaeology Walking Path Repairs. There was no second to the motion.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **AWARD** Bid Solicitation No. 2005-138 Museum of Archaeology Walking Path Repairs

Contractor: Tirayan Construction  
El Paso, Texas

Department: Museum

Funds Available: 31114001-PPWFA03021-27042-508027

Funding Source: 1994 Certificate of Obligation

Items: Base Bid \$47,600.00  
Alternate \$14,500.00

Total Award: \$62,100.00

The Departments of Engineering, and Museum recommend the award of this contract to Tirayan Construction, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-141 EPIA Lift Station Renovation

Contractor: Thermodyn Contractors, Inc.  
El Paso, Texas

Department: El Paso International Airport

Funds Available: 62620029-PAP0032-41073-508027

Funding Source: Airport Capital Improvement Funds

Items: Base Bid \$105,499.00

Total Award: \$105,499.00

The Departments of El Paso International Airport and Engineering recommend the award of this contract to Thermodyn Contractors, Inc., the low responsible, responsive bidder. It is requested that the City Manager be authorized to sign the referenced contract. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** budget transfer BT2005-902 AIRPORT.

Representative Cushing commented.



The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Patrick Abeln, Director of Aviation

Motion made by Representative Austin, seconded by Representative Ortega and unanimously carried to **APPROVE** budget transfer BT2005-902 AIRPORT

Transfer of funds to complete the drilling of a new well at the Lone Star Golf Course.

Increase	\$250,000	to	62620022/PAP003341074/508027	Construction
Increase	\$250,000	to	62620022/PAP003341074/407001	IntrafdTrf (U)
Increase	\$250,000	to	62620017/40107/407002	Est Rev
Increase	\$250,000	to	62620017/40107/507001	IntrafdTrf (S)

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-920 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer is required to provide the needed funds to complete the George Orr Rd. Street, 28<sup>th</sup> Year project (2002-2003), a Community Development Street and Drainage Project.

Decrease	\$45,000	from	71150069/G7129CD000107747/508027	Construction
Increase	\$45,000	to	71150069/G7128CD003107755/508027	Construction
Decrease	\$45,000	from	71150069/G7129CD000107747/406000	FedGrtProc
Increase	\$45,000	to	71150069/G7128CD003107755/406000	FedGrtProc

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-928 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$18,752 to the school flasher project to fund installation of a new school safety flasher on Rich Beem Blvd for Hurshel Antwine Intermediate School. Funding source is the Socorro Independent School District.

Decrease	\$18,752	from	31255004/PPW005227691/405067	Rembrsd Exp
Increase	\$18,752	to	31255004/PPW005227691/508027	Construction

.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** budget transfer BT2005-948 PARKS AND RECREATION.

Representative Austin asked questions of Dr. Norman Merrifield, Director of Parks and Recreation.

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to **APPROVE** budget transfer BT2005-948 PARKS AND RECREATION

This budget transfer requests a new appropriation to make capital modifications to sports fields at Modesto Gomez, Blackie Cheshier, & Marty Robbins. Backstops will be replaced; dugouts covered; and outfield fences replaced. Money is available in Acosta Sports Fund Balance.

Increase	\$80,000	to	51010215/P50020216302/407002	EstRev
Increase	\$80,000	to	51010215/P50020216302/508004	PubUseFac

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** budget transfer BT2005-949 PARKS AND RECREATION.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **APPROVE** budget transfer BT2005-949 PARKS AND RECREATION

This budget transfer requests a new appropriation to make capital building improvements to the San Juan Recreation Center. New scoreboards will be installed and the weight room will be remodeled and updated with rubber flooring and machines. Money is available in San Juan Rec Center's Fund Balance.

Increase	\$21,445	to	51510123/P50021316313/407002	Est Rev
Increase	\$21,445	to	51510123/P50021316313/508003	Bldg Imprvmt

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Harvest Christian Center to use amplification (2 amplifiers for guitars and 2 speakers) at Thorn Park – 5260 Mace St on April 30, 2005 from 3:00 p.m. to 6:00 p.m. for a church outreach. Approximately 20 persons will take part and 100 spectators are anticipated. PERMIT #05-029 [Shawn Abel]

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of One Source Federal Credit Union to use amplification (2 microphones and 2 speakers) at Vista Del Valle Park – 1288 Hawkins on April 23, 2005 from 11:00 a.m. to 3:00 p.m. for a kids carnival. Approximately 15 persons will take part and 100 spectators are anticipated. PERMIT #05-030 [Melissa Valverde]

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of City of El Paso / Representative District 8 to use amplification (2 microphones, 2 amplifiers and 2 speakers) at Calendar Park – 401 E San Antonio Ave on April 29, 2005 and May 6, 2005 from 11:30 a.m. to 1:00 p.m. for a public concert. Approximately 5 persons will take part and 100 spectators are anticipated. PERMIT #05-031 [Anthony Cobos]

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Beto O'Rourke Campaign to use amplification (4 speakers, 2 microphones and 1 amp) at Armijo Park – 710 E Seventh Ave on April 23, 2005 from 4:00 p.m. to 7:00 p.m. for a political rally. Approximately 500 persons will take part. PERMIT #05-035 [Beto O'Rourke]

.....  
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code, by amending Chapter 2.30 (Building Board of Appeals), Section 2.30.060 (Powers) to add the Outdoor Lighting Ordinance (Chapter 18.18) to the list of ordinances which the Building Board of Appeals is authorized to grant variances and hear appeals over.
- B. An Ordinance to amend Title 18 (Building and Construction) of the El Paso Municipal Code, Chapter 18.18 (Outdoor Lighting Ordinance), by adding Section 18.18.375 (Historic Properties) to exempt certain historic properties from required compliance with the Outdoor Lighting Ordinance. The penalty is as provided in Section 18.02.107 of the El Paso City Code.

- C.** An Ordinance to amend Title 19 (Subdivisions) of the El Paso Municipal Code, Chapter 19.16 (Improvement Standards and Design Principles), Section 19.16.030 (Street Lighting) to ensure consistency with the Outdoor Lighting Ordinance, to amend Section 8 (Street Lighting) of Appendix A to Title 19 to provide that lighting standards shall be as on file with the City Engineer, and to amend Chapter 19.04 (General Provisions) Section 19.04.100 (Subdivision Improvement Design Standards) to eliminate conflict with the proposed amendment to Section 8 of Appendix A of Title 19. The Penalty is as provided in 19.04.190 of The El Paso Municipal Code.
- D.** An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 10, Commission Recorder, to clarify disciplinary procedures.

**PUBLIC HEARINGS WILL BE HELD ON MAY 3, 2005 FOR ITEMS A – D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
 Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **POSTPONE ONE (1) WEEK** the request of Rio Bravo Healthy Communities Council to hold a march on April 27, 2005 from 12:00 p.m. to 3:30 p.m. Route: Start at the corner of Florence and Seventh St, proceed on Seventh to Stanton, turn left on Stanton to the Bridge of the Americas, turn back around on Stanton to Father Rahm, turn right on Father Rahm to Florence and finish at Armijo Park. Approximately 120 persons will take part. This request includes permission to use amplification (1 microphone, 1 amplifier – 120 watts and 2 speakers – 60 watt). Request waiver of fees for processing the application (\$15.75) and for the necessary police traffic assistance. Signed affidavit submitted. Permit #05-032 [Isabel Olague]

Mr. Clark Peters, President of Rio Bravo Healthy Community Council, commented.

Mr. Anibal Olague, Executive Director of Border Fair Housing & Economic Justice Center, commented.

Mayor Joe Wardy and Representatives Cook, Austin, Cobos, and Lozano commented.

The following City staff members commented:

1. Mr. Alan Shubert, Director of Building Permits and Inspections
2. Ms. Lisa A. Elizondo, City Attorney
3. Ms. Lisa Hayes, Assistant City Attorney
4. Ms. Joyce Wilson, City Manager, stated for the record that the cost for the event is in the area of \$1,100.00.

.....  
 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action to direct the City Manager to have staff 1) Investigate the feasibility of granting an extended lease to the Manhattan Heights Neighborhood Association for the Garden Center located at Memorial Park, and 2) If such is feasible, to enter into required negotiations and execute the necessary documents to allow the issuance of the extended lease.

.....  
 Item: Discussion and Action on the issuing of permits pertaining to the property located at 1480 Cedar Oak Drive.

NOTE: Item was discussed in executive session.

After coming out of executive session, the following motions and discussion took place:

Mayor Joe Wardy and Representatives Rojas, Cobos, Cushing, Cook, Lozano, Austin, and Ortega commented.

The following City staff members commented:

1. Ms. Terri Cullen-Garney, Deputy City Attorney, read the motion into the record.
2. Ms. Lisa A. Elizondo, City Attorney
3. Ms. Joyce Wilson, City Manager, stated for the record that she has asked Mr. Phillip LoPiccolo, Executive Assistant to the Mayor, to contact the city's State lobbyist today to see how the City can gain quick entrée into the appropriate offices, at the highest levels, as soon as possible, to address the concerns of Representative Rojas and the other Council Members can be addressed.

The following members of the public commented:

1. Mr. Art Rivera, Las Palmas Neighborhood Association member
2. Mr. Frank Ainsa, attorney representing Investment Builders

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried that the City Manager, with the assistance of the Legal Department through a written letter, voice concerns about the lack of Notice given by the Texas Department of Housing and Community Affairs to the City Council, the City Representatives and the area residents, about the December 2004 Board Meeting where the Texas Department of Housing and Community Affairs reconsidered funding for the Cedar Oaks Townhomes, LTD apartment project and that the City Manager be authorized to file the appropriate complaints with the State if the Texas Department of Housing and Community Affairs did not follow the proper notice requirements when a project is reconsidered for tax credits.

Representative Rojas **AMENDED** the motion to accept Representative Cushing's amendment to the previous motion, Representative Cobos seconded:

That Representative Rojas, as the City Representative of the District, and a member of the City Attorney's Office to accompany Representative Rojas to Austin to speak with State representatives and TDHCA staff to get answers regarding the matter.

.....  
Item: Discussion and action authorizing the City Attorney or her designee to negotiate and enter into contracts with outside counsel to represent the City of El Paso in connection with the City's efforts to collect from Asarco the costs of remediating the El Paso metals site.

NOTE: This item was taken into executive session.

After coming out of executive session, the following motion and discussion took place:

Mr. Jim Martinez, Assistant City Attorney, read the motion into the record and responded to questions and/or comments of Representatives Cobos, Cushing, Cook and Austin.

Mr. Scott Summy, attorney for Baron & Budd, P.C., commented and responded to questions and/or comments of Mayor Joe Wardy and Representatives Cushing, Cobos, Austin, and Cook.

Mr. Tex Quezada, attorney for Summerman and Quezada, commented and responded to questions and/or comments of Representatives Cobos and Cushing.

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney or her designee be authorized to **NEGOTIATE AND ENTER INTO AGREEMENTS** with outside counsel, Barron & Budd, P.C., including local counsel, to represent the City of El Paso in its efforts to collect from Asarco the costs of remediating the El Paso metals site as recommended by the City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas, and Cobos

NAY: Representative Cook

.....  
Motion made by Representative Cushing, seconded by Representative Cobos and carried to **POSTPONE ONE (1) WEEK** the discussion and action on a resolution that the City Manager be authorized to sign a Consultant Services Agreement by and between the CITY OF EL PASO and AMEC EARTH & ENVIRONMENTAL, INC., for environmental engineering services for a period of two (2) years in an amount not to exceed SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00).

Representatives Cushing and Ortega commented.

Mr. Rick Conner, City Engineer, commented.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAY: Representative Cook

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **REJECT ALL BIDS** for Bid No. 2005-163, Remanufactured Engines & Transmissions as recommended by the Purchasing and Fleet Service Department. The Department will review the necessity of this equipment and the specifications and make a determination to rebid.

Department: Fleet Services

Funding Source: Fleet Service Internal Service Fund

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the public hearing to determine if the property located at 1105 Loma Verde Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 19<sup>th</sup>, 2004. The owners of this property, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property.

.....  
**RESOLUTION**

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 5557 Peinado Lane, in El Paso, Texas, which property is more particularly described as follows:

Lot: 25, Block 2, Alta-Mira Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 4, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Stella Oster, C/O I. H. Wolfe, 5557 Peinado Lane, El Paso, Texas 79903, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 19<sup>th</sup>, 2005; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
2. That the City Council hereby orders Owners to comply with the following requirements:
  - a. That the main structure be secured and maintain secured until rehabilitated within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

- a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **APPROVE** the above Resolution.

Representative Austin was not present for the vote.

## RESOLUTION

**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON05-00016, FOR A PORTION OF LOT 1, BLOCK 1, MESA HILLS WEST, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO A SPECIAL CONTRACT IMPOSED BY ORDINANCE NO. 9394. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**WHEREAS, K Trinity Investments, LLC** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a special contract imposed by Ordinance No. 9394, to permit the construction of retail commercial development; and

**WHEREAS,** a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS,** the City Plan Commission has recommended approval of the subject detailed site development plan; and

**WHEREAS,** the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. Pursuant to requirements imposed by a special contract as outlined in Ordinance No. 9394, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction of retail commercial development on the following described property which is located in a **C-1/sc (Commercial/special contract) District**:

*A portion of Lot 1, Block 1, Mesa Hills West, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A".  
(Exhibit on file in the City Clerk's office)*

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference. (Exhibit on file in the City Clerk's office)

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-1/sc (Commercial/special contract) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-1/sc (Commercial/special contract) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and responded to comments and/or questions of Representatives Cobos and Austin.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

.....



## RESOLUTION

**WHEREAS**, Ranchos Real IV, LTD., by and through its general partner Ranchos Real Developers, Inc. ("property owner") owns certain vacant land totaling approximately 16.042 acres and located within Tract 2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas within the City of El Paso extraterritorial jurisdiction ("subject tract"); and

**WHEREAS**, property owner, pursuant to Section 43.028 of the Texas Local Government Code, submitted written petition to the El Paso City Council on March 21, 2005, for its consent to accept and review an application to annex the subject tract; and

**WHEREAS**, the subject tract lies within the extraterritorial jurisdiction of the City of El Paso, Texas, is contiguous to the El Paso city limits, and is less than ½ mile in width; and,

**WHEREAS**, resolution granting the petition for annexation must be passed by the El Paso City Council prior to submittal of an annexation application in accordance with Section 43.028 of the Texas Local Government Code *"Authority of Municipalities to Annex Sparsely Occupied Area on Petition of Area Landowners;"*

**WHEREAS**, the El Paso City Council is of the collective determination that annexation of this area may be of benefit to the City of El Paso, that further analysis of the proposal is warranted, and that staff should be directed to accept, review and process such application pursuant to statutory and ordinance requirements.

**NOW THEREFORE**, be it resolved by the City Council for the City of El Paso, Texas, as follows:

1. Pursuant to the provisions of Section 43.028 of the Texas Local Government Code, the City of El Paso Texas hereby grants the property owner petition for annexation provided herein as Exhibit "B" and will process an annexation application for the subject tract described as being a 16.042 acre parcel within Tract 2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas and more particularly identified in the attached Exhibit "A", subject to the following limitations: (Exhibits on file in the City Clerk's office)
  - a. This grant only authorizes receipt and processing of an annexation application for the subject tract.
  - b. This grant does not approve, promise the approval of, or in any way suggest the approval of such annexation application, but only to commit to review and processing of the application as prescribed by Chapter 43 of the Texas Local Government Code and Ordinance 8397.

Mayor Joe Wardy and Representatives Ortega, Cook and Austin commented.

The following City staff members commented:

1. Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.
2. Ms. Joyce Wilson, City Manager
3. Mr. Matt Watson, Assistant City Attorney

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Ortega, seconded by Representative Austin and unanimously carried to **APPROVE** the above Resolution.

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Item: City Manager's report of current events and issues:

Notice that six-month mid-year budget report and FY06 budget assumptions will be presented at the April 26, 2005 meeting.

There was no action on this item.

Ms. Joyce Wilson, City Manager, commented.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item: *Frank Lopez, et. al. vs. City of El Paso*; Cause No. EP-05-CA-0009-FM in the United States District Court for the Western District of Texas. (551.071)  
.....

Motion made by Representative Rojas, seconded by Representative Ortega and carried that the City Council retire into **EXECUTIVE SESSION** at 10:28 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

AYES: Representatives Cushing, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: Representative Austin and Lozano

Section 551.071 CONSULTATION WITH ATTORNEY  
Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
Section 551.074 PERSONNEL MATTERS  
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES  
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Discussion and action authorizing the City Attorney or her designee to negotiate and enter into contracts with outside counsel to represent the City of El Paso in connection with the City's efforts to collect from Asarco the costs of remediating the El Paso metals site. (551.071 and 551.072)
- B. *George DeAngelis v. The City of El Paso, et al*; Cause No. EP-05-CA-0113-DB. (551.071)
- C. *David Snow v. The City of El Paso, Texas, et al*; Cause No. EP-04-CA-0460-PM In the United States District Court for the Western District of Texas (551.071)
- D. Discussion and Action on the issuing of permits pertaining to the property located at 1480 Cedar Oak Drive. (551.071)
- E. Discussion and action authorizing the City Attorney or her designee to negotiate and enter into contracts with outside counsel to represent the City of El Paso in connection with the City's efforts to collect from Asarco the costs of remediating the El Paso metals site. (551.071)

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 11:35 a.m., during which time motions were made as follows:  
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Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney or her designee be authorized to **NEGOTIATE AND ENTER INTO AGREEMENTS** with outside counsel, Barron & Budd, P.C., including local counsel, to represent the City of El Paso in its efforts to collect from Asarco the costs of remediating the El Paso metals site as recommended by the City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas, and Cobos

NAY: Representative Cook

See discussion on pages 20 and 21.

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Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney be **AUTHORIZED** to negotiate and execute retention agreement with outside counsel to represent the City of El Paso in the lawsuit entitled *George DeAngelis vs. The City of El Paso, et al*; Cause No. EP-05-CA-0113-DB in the United States District Court for the Western District of Texas.

Representative Austin asked questions of Ms. Michelle Little Locke, Assistant City Attorney.

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney be **AUTHORIZED** to negotiate and execute retention agreement with outside counsel to represent Carlos Leon in the lawsuit entitled *George DeAngelis vs. The City of El Paso, et al*; Cause No. EP-05-CA-0113-DB in the United States District Court for the Western District of Texas.

Ms. Michelle Little Locke, Assistant City Attorney, amended the language.

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Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney be **AUTHORIZED** to reject the settlement demand and to proceed as recommended by the City Attorney's Office in the lawsuit styled *David Snow vs. The City of El Paso, Texas, et al*; Cause No. EP-04-CA-0460-PM in the United States District Court for the Western District of Texas.

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Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried that the City Manager, with the assistance of the Legal Department through a written letter, voice concerns about the lack of Notice given by the Texas Department of Housing and Community Affairs to the City Council, the City Representatives and the area residents, about the December 2004 Board Meeting where the Texas Department of Housing and Community Affairs reconsidered funding for the Cedar Oaks Townhomes, LTD apartment project and that the City Manager be authorized to file the appropriate complaints with the State if the Texas Department of Housing and Community Affairs did not follow the proper notice requirements when a project is reconsidered for tax credits.

Representative Rojas **AMENDED** the motion to accept Representative Cushing's amendment to the previous motion, Representative Cobos seconded:

That Representative Rojas, as the City Representative of the District, and a member of the City Attorney's Office to accompany Representative Rojas to Austin to speak with State representatives and TDHCA staff to get answers regarding the matter.

See discussion on pages 19 and 20.

.....

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney or her designee be authorized to **NEGOTIATE AND ENTER INTO AGREEMENTS** with outside counsel, Barron & Budd, P.C., including local counsel, to represent the City of El Paso in its efforts to collect from Asarco the costs of remediating the El Paso metals site as recommended by the City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas, and Cobos

NAY: Representative Cook

See discussion on pages 20 and 21.

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Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:13 p.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk